

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

**MICHAEL LATAVIN SMITH, # 107483**

**PETITIONER**

v.

**CIVIL ACTION NO. 1:22-cv-8-TBM-MTP**

**CHRIS LODEN**

**DEFENDANT**

**ORDER ADOPTING REPORT AND RECOMMENDATION**

This matter is before the Court on submission of the Report and Recommendation [14] entered by United States Magistrate Judge Michael T. Parker on November 4, 2022. Judge Parker recommends that the Petitioner's claims be dismissed with prejudice as untimely. The Petitioner has not filed an objection to the Report and Recommendation, and the time for filing an objection has expired.

“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” FED. R. CIV. P. 72(b) advisory committee’s note to 1983 addition (citations omitted); *see Casas v. Aduddell*, 404 F. App’x 879, 881 (5th Cir. 2010) (affirming district court’s dismissal of Section 1983 claims and stating that “[w]hen a party fails timely to file written objections to the magistrate judge’s proposed findings, conclusions, and recommendation, that party is barred from attacking on appeal the unobjected-to proposed findings and conclusions which the district court accepted, except for plain error”) (*citing Douglass v. United Serv. Auto Ass’n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc), *superseded by statute on other grounds*, 28 U.S.C. § 636(b)(1)); *Douglass*, 79 F.3d at 1430 (affirming district court’s grant of summary judgment). Having considered Judge Parker’s Report and Recommendation, the Court finds it is neither clearly erroneous nor contrary to law.

IT IS THEREFORE ORDERED AND ADJUDGED that the Report and Recommendation [14] entered by United States Magistrate Judge Michael T. Parker on November 4, 2022, is ADOPTED as the opinion of the Court.

IT IS FURTHER ORDERED AND ADJUDGED that the Defendants' Motion to Dismiss [7] is GRANTED.

IT IS FURTHER ORDERED AND ADJUDGED that the Petitioner's claims are DISMISSED WITH PREJUDICE.

THIS, the 30th day of November, 2022.



TAYLOR B. McNEEL  
UNITED STATES DISTRICT JUDGE